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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,014	12/26/2006	Georg Himmelsbach	F-9191	6491
28107 7590 07/09/2008 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
EXAMINER NGUYEN, DUNG V				
ART UNIT		PAPER NUMBER		
3723				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

### Office Action Summary

**Application No.**

10/593,014

**Applicant(s)**

HIMMELSBACH, GEORG

**Examiner**

Dung Van Nguyen

**Art Unit**

3723

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 68-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 68 is rejected under 35 U.S.C. 102(b) as being anticipated by Colunius et al (USPN 3,583,191). Colunius et al discloses a method for grinding bearing and cams of a camshaft comprising chucking the camshaft, grinding a bearing and cam of the camshaft on a grinding machine, straighten the camshaft on the grinding machine by subjecting the camshaft in an area to pressure beyond a yield point of the steel (note Fig. 1, col.1, lines 31-69).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 69, 72-76 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junker (USPN 6,878,043) in view of Colunius et al (USPN 3,583,191). Junker discloses a grinding apparatus for grinding bearings and cams of a camshaft 1 comprising a grinding machine 43, a measuring device for measuring concentricity of the camshaft 1, a machine bed, grinding headstock 36 mounted on the

machine bed, two grinding wheels 33, 35 for pivoting into grinding position, a workpiece headstock 40 and tailstock 9 having center, the wheels for rough and finish grinding (note Fig. 1, 7, 8, col. 5, lines 29-65, col. 7, lines 43). Junker does not disclose a device for straighten the camshaft. Colunius et al discloses a device for straighten a camshaft (note Fig. 1, col. 1, lines 31-69). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Junker with a straightening device disclosed by Colunius et al in order to straighten and grinding a camshaft in the same set up.

5. Claims 71, 80, 81 and 83-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junker (USPN 6,878,043) in view of Colunius et al (USPN 3,583,191). Junker discloses a method and apparatus as described above, lacks first and second stations in a grinding apparatus. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second station in the grinding apparatus, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

6. Claims 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junker (USPN 6,878,043) in view of Colunius et al (USPN 3,583,191). Junker, modified by Colunius except for rotating the camshaft at 50 to 200 revolutions per minutes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to , since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges

involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Please note that in the instant application, page 16, line11-13, applicant has not disclosed any criticality for the claimed limitations.

7. Claims 89-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junker (USPN 6,878,043) in view of Colunius et al (USPN 3,583,191) as applied to claim 82 above, and further in view of Armstrong (USPN 3,213,659). Junker, modified by Colunius et al, lacks a straightening head comprises two rollers. Armstrong discloses a straightening head comprises two rollers 70, 72 (note Fig. 4, col. 4, lines 63-73). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Junker, modified by Colunius et al, with a roller straightening head disclosed by Armstrong in order to automatically contact the camshaft thereby improving the accuracy and efficiency of the straightening machine.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 68-93 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Van Nguyen whose telephone number is 571-272-4490. The examiner can normally be reached on PHP Program.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Dung Van Nguyen/

Primary Examiner, Art Unit 3723

July 2, 2008